

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

.....
DARUS HUNTER,

PLAINTIFF.

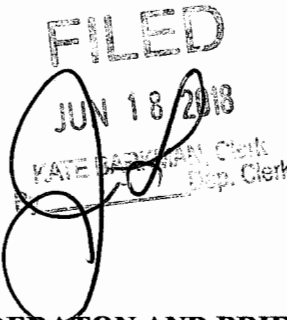
CIVIL ACTION

18-0348

v.

UNIVERSITY OF PENNSYLVANIA

DEFENDANT.



PLAINTIFF'S MOTION FOR RECONSIDERATION AND BRIEF IN SUPPORT

Pursuant to the Federal Rules of Civil Procedure, Plaintiff Darus Leon Hunter, in his capacity as a Pro Se litigant, files this Motion for Reconsideration as follows:

I. INTRODUCTION

This Court's May 7th 2018 order improperly referred the above-referenced action for an Arbitration hearing. The scheduling of said hearing violates the Constitutional right of plaintiff to have this matter decided by a jury pursuant to: Amendment VII. **"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be otherwise reexamined in any court of the United States, than according to the rules of**

the common law.be preserved, and no fact tried by a **jury, shall** be otherwise reexamined in any court of the United States, than according to the rules of the **common law**". Plaintiff demanded a jury upon the filing of the above-referenced complaint. Plaintiff is entitled to a jury trial as a **matter of law**.

II. ARGUMENT AND AUTHORITIES

Pursuant to federal rule 38, Plaintiff Darus Leon Hunter is entitled to a jury trial. Mr. Hunter demanded a jury trial in the initial pleading, which was served upon the University of Pennsylvania. "(a) Right Preserved. The right of trial by jury as declared by the Seventh Amendment to the Constitution—or as provided by a federal statute—is preserved to the parties inviolate. (b) Demand. On any issue triable of right by a jury, a party may demand a jury trial by: (1) serving the other parties with a written demand—which may be included in a pleading—no later than 14 days after the last pleading directed to the issue is served; and(2) filing the demand in accordance with Rule 5(d)." Mr. Hunter's motion for reconsideration is appropriate. A motion for reconsideration is appropriate in the following circumstances : (1) to address an intervening change in controlling law; an intervening change in controlling law; (2) to consider new evidence not previously available; (3) to correct a clear or manifest error of law or fact; or (4) to prevent manifest injustice. *Fisherman's Harvest, Inc. v. Post, Buckley, Schuh & Jernigan, Inc., et al.*, Denying a litigant a constitutionally protected right (such as right to a jury), constitutes a clear manifest error of law as well as a grave injustice.

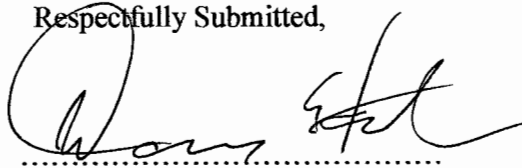
III. CONCLUSION AND REQUEST FOR RELIEF

For the foregoing reasons, Plaintiff Darus Leon Hunter in his capacity as a Pro Se litigant hereby requests this Court reconsider the order of May 30th 2018 and schedule the above-referenced matter for civil trial pursuant to federal rules of civil litigation.

06/18/2018

DATE

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Darus Leon Hunter', written over a horizontal dotted line.

DARUS LEON HUNTER Pro Se

Darius Hunter
Plaintiff

Civil Action
18-0348

University of Pennsylvania
Defendant

FILED

JUN 18 2018

KATE BERGMAN, Clerk
Dep. Clerk

Certificate of Service

I swear under penalty of perjury of law
that a copy of the herein Motion for Reconsideration
was served upon defendant's counsel via US mail,
on 06/18/2018

Darius Hunter
Darius Hunter

06/18/2018
Date